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NOTICE OF ALLOWANCE AND FEE(S) DUE

22852

7590

10/28/2010

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

TOPGYAL, GLEK W

ART UNIT

PAPER NUMBER

2481

DATE MAILED: 10/28/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,347	05/05/2006	Makoto Yamada	09812.0078	6634

TITLE OF INVENTION: RECORDING APPARATUS AND METHOD, PLAYBACK APPARATUS AND METHOD, RECORDING MEDIUM, AND PROGRAM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	01/28/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

22852 7590 10/28/2010

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,347 05/05/2006 Makoto Yamada 09812.0078 6634

TITLE OF INVENTION: RECORDING APPARATUS AND METHOD, PLAYBACK APPARATUS AND METHOD, RECORDING MEDIUM, AND PROGRAM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	01/28/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
TOPGYAL, GELEK W	2481	386-047000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
 Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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EXAMINER

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 367 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 367 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	10/578,347	YAMADA ET AL.	
	Examiner	Art Unit	
	GELEK TOPGYAL	2481	

All Participants:

(1) GELEK TOPGYAL.

(2) GAVIN YE.

Date of Interview: 21 October 2010

Status of Application: Rejected

(3) _____.

(4) _____.

Time: 10AM

Type of Interview:

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description: _____.

Part I.

Rejection(s) discussed:

101 rejections of claims 1, 10, 12 and 17

Claims discussed:

1, 10, 12 and 17

Prior art documents discussed:

NA

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/Gelek Topgyal/
Examiner, Art Unit 2481

/Peter-Anthony Pappas/
Supervisory Patent Examiner, Art Unit 2481

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed:
System/Apparatus based 101 rejection of claims 1 and 12 and medium based 101 rejection of claims 10 and 17 were discussed. The applicant's representative agreed to the proposed amendment of adding the term "hardware" to claims 1 and 12 and "non-transitory" to claims 10 and 17 to overcome any potential 101 rejection...

Notice of Allowability**Application No.**

10/578,347

Applicant(s)

YAMADA ET AL.

Examiner

GELEK TOPGYAL

Art Unit

2481

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview dated 10/21/2010.
2. ☒ The allowed claim(s) is/are 1-3,5-10 and 12-17.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 10/21/2010.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Gelek Topgyal/
Examiner, Art Unit 2481

/Peter-Anthony Pappas/
Supervisory Patent Examiner, Art Unit 2481

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gavin Ye on 10/21/2010.

The application has been amended as follows:

Claim 1, line 1, replace "A recording apparatus" with --A hardware recording apparatus--.

Claim 10, line 1, replace "A recording medium" with --A non-transitory recording medium--.

Claim 12, line 1, replace "A playback apparatus" with --A hardware playback apparatus--.

Claim 17, line 1, replace "A recording medium" with --A non-transitory recording medium--.

35 USC § 112, sixth paragraph

MPEP 2181 discloses that a claim limitation will be presumed to invoke 35 U.S.C. 112, sixth paragraph if it meets the following 3-prong analysis: (A) the claim limitations must use the phrase "means for" or "step for;" (B) the "means for" or "step for" must be modified by functional language; (C) the phrase "means for" or "step for" must not be modified by sufficient structure, material, or acts for achieving the specific function.

2. With regards to **claims 1 and 12**, it is noted that said claims have invoked 35 U.S.C. 112, sixth paragraph and meet the 3-prong analysis. **Regarding claim 1**, it is

noted that said "means for extracting" limitation is considered to read on the " extraction section 51" in Fig. 3 and paragraphs 0111-0112; "means for reducing" limitations are considered to read on "number-of-pixels conversion section 40" in Fig. 3 and paragraph 0112-0114; "means for encoding" limitations are considered to read on "static-image compression section 41" in Fig. 3 and paragraph 0114; "means for associating" limitations are considered to read on "microcomputer 31" in Fig. 3 and paragraphs 0118-120 and 0129 which associates a thumbnail to the unit from which the image is extracted; "means for controlling recording" limitations are considered to read on "microcomputer 31" in Fig. 3 and paragraphs 0118-133 which details the recording procedure of recording moving images, audio data and the encoded image data to a recording medium. Furthermore, paragraph 0105 states "The microcomputer 31 executes a predetermined control program to comprehensively control the recording apparatus", which includes all the "means for" limitations state above. Therefore, since the steps are performed by the microcomputer 31, the corresponding structure exists in the specification. The microcomputer 31 is a statutory structure that performs the claimed "means for" limitations. **Regarding claim 12**, it is noted that said "means for controlling reading" is met by a combination of the "drive 44 and the microcomputer 31" in Fig. 20 and paragraph 0242 wherein "Under the control of the microcomputer 31, the drive 44 reads out an MPEG2 system stream and thumbnail data from the mounted disk 45. The drive 44 stores the read-out MPEG2 system stream and thumbnail data in the buffer memory 43"; "means for decoding" is met by " moving-image decompression section 203" and/or "static-image decompression section 204" in Fig. 20 and

paragraphs 0244-0245; "means for controlling display" is met by "image output interface 206" in Fig. 20 and paragraph 0247. Furthermore, paragraph 0241 states "The microcomputer executes the predetermined control program to issue a command for operation to each section of the playback block in the recording and playback apparatus based on a signal from the playback start/stop button 201 according to an operation of the user". Therefore, since the steps are performed by the microcomputer 31, the corresponding structure exists in the specification. The microcomputer 31 is a statutory structure that performs the claimed "means for" limitations.

35 USC § 101

3. The apparatus claims 1-3, 5-8 and 12-15 are considered to be statutory because the claimed limitations, which include limitations regarding storing a first buffer, second buffer and the data recording medium, in parallel, can not be performed solely using software nor does the specification indicate such. The method claims 9 and 16 are considered to be statutory because a human can not perform the function of recording moving images and still images onto a first buffer, second buffer and a data recording medium, in parallel, without the aid of a machine.

4. The following is an examiner's statement of reasons for allowance: Claims 1-3, 5-10 and 12-17 are allowed. In regard to said claims the prior art of record fails to teach or suggest the respective claim limitations when considered as a whole, specifically:

Claim 1 recites the uniquely distinct features for "control recording of moving images data in a first contiguous area of the data recording medium when the amount of moving images data stored in the first buffer is no less than a first predetermined threshold, wherein the recording of the moving images data in the first continuous area is in parallel to the storing of encoded images data in the second buffer; after the moving images data recorded in the first contiguous area reaches a predetermined limit associated with the first contiguous area, stop the recording of the moving images data in the first contiguous area and determine an amount of encoded images data stored in the second buffer; and control recording of encoded images data in a second contiguous area of the data recording medium when the amount of encoded images data stored in the second buffer is no less than a second predetermined threshold, wherein the recording of the encoded images data in the second contiguous area is in parallel to the storing of moving images data in the first buffer";

Claim 9 recites the uniquely distinct features for "controlling recording of moving images data in a first contiguous area of the data recording medium when the amount of moving images data stored in the first buffer is no less than a first predetermined threshold, wherein the recording of the moving images data in the first continuous area is in parallel to the storing of encoded images data in the second buffer; after the moving images data recorded in the first contiguous area reaches a predetermined limit associated with the first contiguous area, stopping the recording of the moving images data in the first contiguous area and determining an amount of encoded images data stored in the second buffer; and controlling recording of encoded images data in a

second contiguous area of the data recording medium when the amount of encoded images data stored in the second buffer is no less than a second predetermined threshold, wherein the recording of the encoded images data in the second contiguous area is in parallel to the storing of moving images data in the first buffer”;

Claim 10 recites the uniquely distinct features for “controlling recording of moving images data in a first contiguous area of the data recording medium when the amount of moving images data stored in the first buffer is no less than a first predetermined threshold, wherein the recording of the moving images data in the first continuous area is in parallel to the storing of encoded images data in the second buffer; after the moving images data recorded in the first contiguous area reaches a predetermined limit associated with the first contiguous area, stopping the recording of the moving images data in the first contiguous area and determining an amount of encoded images data stored in the second buffer; and controlling recording of encoded images data in a second contiguous area of the data recording medium when the amount of encoded images data stored in the second buffer is no less than a second predetermined threshold, wherein the recording of the encoded images data in the second contiguous area is in parallel to the storing of moving images data in the first buffer”;

Claim 12 recites the uniquely distinct features for “moving images data being stored in a first buffer and encoded images data being stored in a second buffer, the moving images data being recorded onto the data recording medium when an amount of moving images data stored in the first buffer is determined to be no less than a first predetermined threshold such that the moving images data are recorded in a first

contiguous area of the data recording medium in parallel to the storing of encoded images data in the second buffer, the encoded image images data being recorded in a second contiguous area of the data recording medium in parallel to the storing of moving images data in the first buffer and after the moving images data recorded in the first contiguous area reaches a predetermined limit associated with the first contiguous area and the recording of the moving images data in the first contiguous area stops, and when an amount of encoded images data stored in the second buffer is determined to be no less than a second predetermined threshold”;

Claim 16 recites the uniquely distinct features for “moving images data being stored in a first buffer and encoded images data being stored in a second buffer, the moving images data being recorded onto the data recording medium when an amount of moving images data stored in the first buffer is determined to be no less than a first predetermined threshold such that the moving images data are recorded in a first contiguous area of the data recording medium in parallel to the storing of encoded images data in the second buffer, the encoded image images data being recorded in a second continuous area of the data recording medium in parallel to the storing of moving images data in the first buffer and after the moving images data recorded in the first contiguous area reaches a predetermined limit associated with the first contiguous area and the recording of the moving images data in the first contiguous area stops, and when an amount of encoded images data stored in the second buffer is determined to be no less than a second predetermined threshold”;

Claim 17 recites the uniquely distinct features for "moving images data being stored in a first buffer and encoded images data being stored in a second buffer, the moving images data being recorded onto the data recording medium when an amount of moving images data stored in the first buffer is determined to be no less than a first predetermined threshold such that the moving images data are recorded in a first contiguous area of the data recording medium in parallel to the storing of encoded images data in the second buffer, the encoded images data being recorded in a second contiguous area of the data recording medium in parallel to the storing of moving images data in the first buffer and after the of the moving images data recorded in the first contiguous area reaches a predetermined limit associated with the first contiguous area and the recording of the moving images data in the first contiguous area stops, and when an amount of encoded images data stored in the second buffer is determined to be no less than a second predetermined threshold";

The closest prior art in Nakajima (US 2003/0228133), Hong et al. (US 5,532,833), Tsumagari et al. (US 6,360,057), Kikuchi et al. (US 6,553,180), Loui et al. (US 7,110,025), Zhang et al. (US 7,647,459) and Chen et al. (US 6,307,550) disclose conventional video recording systems that records motion video images and still images, either singularly or in combination, fail to anticipate or render the above underlined limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on 571-272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/
Examiner, Art Unit 2481

Application/Control Number: 10/578,347

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Art Unit: 2481

/Peter-Anthony Pappas/

Supervisory Patent Examiner, Art Unit 2481